

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: August 17, 2000

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0032 for Variance

PROPOSAL: A setback variance is requested from the standard side yard setback requirement to allow a proposed one-story addition to an existing single-family to be located 10 feet from the side property line. The subject site is zoned 125-E4 "Small Estates"-20,000 District and the standard side yard setback for this specific site is 14 feet - 6 inches (which is calculated at 10 percent of the average lot width).

LOCATION: The subject site is located in the Lemon Heights area at 11541 Ranch Hill, Santa Ana. Third Supervisorial District.

APPLICANT: Richard and Sharon Fahrney

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division has determined that the Zoning Administration can make the variance findings required for this proposal and recommends Zoning Administrator approval of PA00-0032 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is developed with a one-story single-family dwelling. The lot is irregularly shaped and located at the end of Ranch Hill (a public road), which is a cul-de-sac. The residence is setback 36 feet from the front property line, 56 feet from the rear property line, 44 feet from the east side property line (where the driveway and garage are located), and 17 feet – 8 inches from the west property line (where the addition is proposed). The residence is located 10 feet from the toe of a slope at the rear of the property that raises up to a private easement road (called Vista Pravado). Because of this slope situation and the orientation of the residence, additions to the rear of the residence are limited.

The proposed one-story addition is located on the west side of the site and encroaches 4 feet – 6 inches into the required 14 feet – 6 inch side yard setback. The proposed addition is 225 square feet in area, measuring approximately 31 feet – 4 inches in length and projecting approximately 8 feet from the existing structure. The proposed addition is an expansion to the existing master bathroom and includes a walk-in closet. The exterior of proposed addition will be finished to match the existing structure.

SURROUNDING LAND USE:

All properties surrounding the subject site are also zoned 125-E4-20,000 and are development with single family dwelling on lots similar in area.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to three County Divisions and the North Tustin Advisory Committee (NTAC)

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. NTAC reviewed this proposal at its July 19, 2000 meeting and recommended County approval.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variances) from the requirements of CEQA. Appendix A contains the required CEQA findings.

DISCUSSION/ANALYSIS:

The property is zoned 125-E4 “Small Estates”-20,000 District. The purpose of this zone is to provide larger lots and greater front and side yard setbacks than are required by the County’s standard R1 residential district. The applicant is requesting a minimal 4 ½ feet intrusion into the required 14 ½ feet side yard setback. For this property, the total of the two side yard setbacks required is 29 feet. The proposed 10 feet side yard setback on one side property line together with the other side yard setback totals 54 feet. Together these two setback together should provide adequate light, air and open space separation in the side yard setback back, which is the main purpose and intent of the E4 District setback standards.

The proposed addition should not have an effect on privacy with the adjoining property. The addition is one-story has only two windows, which are in the bathroom area. The property owner to the west, which is most affected by this variance request, has indicated their approval by signing the applicant’s site plan. Additionally, there has been other setback variances approved in the vicinity. Most recently, VA91-016P was approved for an addition to a single-family dwelling to encroach 5 feet into the rear setback at 11561 Ranch Hill. This property is also located at the end of Ranch Hill just southwest of the subject site.

Staff supports the applicant’s variance request because the side yard setback variance is minor and is consistent with the purpose and intent of the E4 District. However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to

make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator can make these two special variance findings. The special circumstances for approving the variance requested for this proposal is in Finding No. 7 of Appendix A. The special circumstances are: “the topography of the site, specifically the slope at the rear of the property, limits the area where additions to the residence can be made within the building envelope established for the site”.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0032 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site Plans with site photo

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.